

THE CITY OF NEW YORK
LAW DEPARTMENT

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February 13, 2023

BY ECF

Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Elvis Peralta v. City of New York, et al.,
19 Civ. 7565 (JHR) (JLC)

Your Honor:

I am a Senior Counsel at the New York City Law Department, attorney for defendants Daniel Castillo, Robert Gallitelli, Joseph Rivera, Peter Valentin, and Brian Green in the above-referenced matter. Defendants write to respectfully request an adjournment of the conference scheduled for February 21, 2023 at 11:30 AM to a date and time convenient for the Court. This is the first such request to which plaintiff consents.

By way of background, plaintiff alleges, *inter alia*, that he was falsely arrested for possession of narcotics following the execution of a valid search warrant. On February 6, 2023, defendants moved to compel plaintiff to provide responses to defendants' First Set of Combined Interrogatories and Document Requests ("discovery requests") by February 23, 2023. (See ECF No. 90). The Court thereafter scheduled a conference on February 21, 2023 at 11:30 AM to discuss the progress of discovery, and further ordered counsel for the parties to consult in advance of the conference on defendants' motion to compel. (See ECF No. 91). The parties have conferred and plaintiff has agreed to provide responses to the discovery requests by February 23, 2023.

Defendants respectfully request an adjournment of the conference scheduled for February 21, 2023 at 11:30 AM as the undersigned is presently set to appear in another matter pending in the Southern District before Judge Daniels on the same date at 10:30 AM for oral arguments in Ragland v. City of New York, et al., 20-cv-3556, which had been previously scheduled. As such, defendants request an adjournment of the conference to later that same day or to a time and date convenient to the Court. Discovery is presently set to close on March 21, 2023, with a Joint Pretrial Order due on May 5, 2023. (See ECF No. 88). Upon information and belief, an adjournment would not affect any other pending deadlines set by the Court.

Thank you for your consideration herein.

Respectfully submitted,

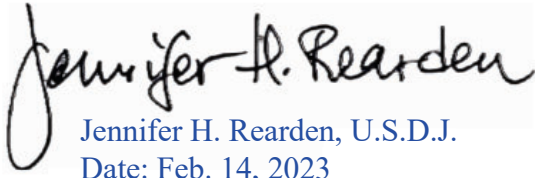
/s/

John Schemitsch
Senior Counsel

cc: Samuel DePaola (By ECF)
Attorney for plaintiff

The February 21, 2023 conference is hereby ADJOURNED
sine die. By March 1, 2023, the parties shall file a joint
status update regarding the progress of discovery.

SO ORDERED.

A handwritten signature in black ink, reading "Jennifer H. Rearden". The signature is written in a cursive, flowing style. The first letter "J" is large and loops around. The signature is placed over a light gray rectangular background.

Jennifer H. Rearden, U.S.D.J.
Date: Feb. 14, 2023